

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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PHILLIP MICHAEL KNOX,

Petitioner,

v.

**ORDER**

Civil File No. 05-908 (MJD/JSM)

WARDEN ROBERT FENEIS,  
MCF/Rush City Correctional;  
JOAN FABIAN, Commissioner  
of Corrections; MICHAEL  
HATCH, Minnesota Attorney  
General; and STATE OF  
MINNESOTA;

Respondents.

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Phillip Michael Knox, pro se.

Janelle P. Kendall and Michael J. Lieberg, Stearns County Attorney' Office, and  
Thomas R. Ragatz, Ramsey County Attorney's Office, Counsel for Respondents.

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The above-entitled matter comes before the Court upon the Report and  
Recommendation of Magistrate Judge Janie S. Mayeron dated February 4, 2008.

[Docket No. 27] Petitioner Phillip Michael Knox filed objections to the Report



and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court adopts the Report and Recommendation dated February 4, 2008.

In his objections, Knox also presents argument regarding his assertion that the State withheld evidence of the victim's criminal history. Knox's claim based on this assertion was already addressed and dismissed with prejudice in the previous August 29, 2006 Amended Report and Recommendation and September 29, 2006 Order. [Docket Nos. 16-17]

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge's Report and Recommendation dated February 4, 2008 [Docket No. 27] is hereby **ADOPTED**.
2. Ground One of the Petition for Writ of Habeas Corpus [Docket Nos. 1, 4] is **DENIED**.
3. This matter is dismissed with prejudice.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: April 11, 2008

s / Michael J. Davis  
Judge Michael J. Davis  
United States District Court